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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 ANTHONY BOTEILHO,

12 Plaintiff,

13 v.

14 CHRISTINE GREGOIRE *et al.*,

15 Defendants.  
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CASE NO. C09-5407FDB/JRC

ORDER RESCINDING THE  
ORDER DIRECTING SERVICE  
BY UNITED STATES  
MARSHAL

17 This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge  
18 pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and 636 (b) (1) (B) and Local Magistrates Judges' Rules  
19 MJR 1, MJR 3, and MJR 4. On August 17, 2009, the court entered an order directing plaintiff to  
20 provide service copies (Dkt. # 5). On September 28, 2009, plaintiff sought a short extension of  
21 time by letter (Dkt. # 7). This letter referenced an amended complaint, but no amended  
22 complaint was attached. On October 5, 2009, the clerk's office received a number of complaints  
23 and service forms and a notation was entered that the service copies had been received. On  
24 October 21, 2009, the court entered an order directing the United States Marshals to serve the  
25 complaint (Dkt. #9). The court has now discovered that the copies are actually amended  
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1 complaints. The amended complaint adds new defendants and is not the same as the original  
2 complaint.

3 While plaintiff alleges there are seventeen defendants, the court counts the number of  
4 defendants as being 24 plus John and Jane Does. The court has eighteen copies of the amended  
5 complaint, but does not have the proper number of Marshal's Service Forms.

6 The Order Directing Service entered October 20, 2009, (Dkt. # 9) is **RESCINDED**.  
7 Plaintiff will have until December 4, 2009, to provide six more copies of the amended complaint  
8 and a complete set of filled out Marshals Service forms. The six new copies must be identical to  
9 the eighteen amended complaints already received by the court.  
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11 Failure to comply with this order will result in a Report and Recommendation that this  
12 action be dismissed for failure to comply with a court order. The Clerk is directed to send a copy  
13 of this Order and 24 blank Marshal's service forms to plaintiff. The clerk should also note the  
14 December 4, 2009 date on the court's calendar.  
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16 DATED this 2<sup>nd</sup> day of November, 2009.

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19 J. Richard Creatura  
20 United States Magistrate Judge  
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